

conducts a thorough analysis of the factors deemed relevant for parole consideration. Whether a factor is a mitigating or aggravating factor is a determination to be made by the Board panel in the assessment of the inmate's case. The Board, therefore, determined that the amendment not be changed and determined to adopt the amendment as proposed.

Federal Standards Statement

The adopted amendment does not pertain to the implementation of, compliance with, or participation in, any program established under Federal law or under a State statute that incorporates or refers to Federal law, standards, or requirements. An analysis of the adopted amendment pursuant to Executive Order No. 27 (1994), P.L. 1995, c. 65 is, therefore, not required.

Full text of the adoption follows:

SUBCHAPTER 3. PAROLE RELEASE HEARINGS

10A:71-3.11 Factors considered at parole hearings; adult inmates

(a) (No change.)

(b) The hearing officer, Board panel, or Board shall consider the following factors and, in addition, may consider any other factors deemed relevant:

1.-23. (No change.)

24. Subsequent growth and increased maturity of the inmate during incarceration.

(c) (No change.)

TRANSPORTATION

(a)

MOTOR VEHICLE COMMISSION

Licensing Service

Driver Licenses

Requirements for Standard Driver Licenses and Non-Driver Identification Cards

Adopted Amendments: N.J.A.C. 13:21-6.2, 7.2, 8.1, 8.2, 16.1, and 16.2

Proposed: July 20, 2020, at 52 N.J.R. 1393(a).

Adopted: January 18, 2021, by the Motor Vehicle Commission, B. Sue Fulton, Chair and Chief Administrator.

Filed: January 21, 2021, as R.2021 d.014, **with non-substantial changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-6.3).

Authority: N.J.S.A. 39:2A-28, 39:2-3.4(a), 39:3-10, 39:3-10o, 39:3-13, 39:3-13.1, 39:3-13.4, and 39:3-29.3.

Effective Date: February 16, 2021.

Expiration Date: September 9, 2027.

Summary of Public Comments and Agency Responses:

The written comments received by the Motor Vehicle Commission (Commission) regarding its July 20, 2020, notice of proposal at 52 N.J.R. 1393(a), are available for inspection at the Office of the Chief Administrator, Legal and Regulatory Affairs, Motor Vehicle Commission, 225 East State Street, 9th Floor, Trenton, New Jersey.

The comments received and the Commission's responses are summarized below. Each commenter is identified at the end of the comment by a number that corresponds to the following list:

1. Maneesha Kelkar and Katherine Sastre, New Jersey Alliance for Immigrant Justice-on behalf of Let's Drive New Jersey
2. Lorena Terreros
3. Carlos Batz
4. Itzel Lucero
5. Maria Lopez
6. Lorraine Goodman, Interim Executive Director-on behalf of the Latin American Legal Defense and Education Fund
7. Dave Herrick, United States veteran

8. Kevin Vega, Master of Holocaust and Genocide Student, Nathan Weiss Graduate College at Kean University

9. Rosalie Cardinale, Concerned citizen of New Jersey

10. Glenn Cole, RN

11. Mark Diionno

12. Eliud Gautier

13. Leopoldine M. Binder

14. Michael Siebert

15. Barbara White

16. Robert Tarte

17. Ruth Furbee

18. Alicia Sandi

19. Sally Cascio

20. Ed Walz

21. Abire Sabbagh- on behalf of the Palestinian American Community Center

22. Dina Giacomo, President-on behalf of the Driving School Association of New Jersey, Inc.

23. Alice Volovar

24. Gerardo Roldan

25. Veda Berry

26. Amanda Dominguez- on behalf of New Labor

27. Sandra Garcia

28. Linda Pittari

29. Michael Harrison

30. Judith Weiss

31. Bill Treloar

32. Jeff Headley

33. Arleen Silver

34. Candace O'Malley

35. Blanca Ruby Soto, Board Member-on behalf of Wind of the Spirit Immigrant Resource Center

36. Frank McGorry

37. Madelyn Arevalo

38. Javier Rodas

39. Mohan Swaminathan

40. Margareth Jimenez

41. Ellen Whitt-on behalf of the Central Jersey Coalition Against Endless War

42. Patricio Murillo

43. Farrin R. Anello, Senior Staff Attorney-on behalf of the American Civil Liberties Union of New Jersey (ACLU)

44. Rabbi Ethan Prosnit and Liz Cohen, Co-chairs-on behalf of the Reform Jewish Voice of New Jersey

45. Rabbi Marc Katz-on behalf of Temple Ner Tamid

46. Kevin Brown, Vice President & New Jersey District Director-on behalf of the Service Employees International Union, Local 32BJ (SEIU Local 32BJ)

47. Sara Cullinane, Esq., Director-on behalf of Make the Road New Jersey

48. Judy McCabe-representing the Immigration Committee of the Greater Red Bank Women's Initiative

49. D. Brian Zimmer, President-on behalf of Keeping IDentities Safe

50. Jon Tew, Senior Manager, Policy and Advocacy-on behalf of the Camden Coalition of Healthcare Providers

51. Charlene D. Walker, Executive Director-on behalf of Faith in New Jersey

52. Byron Agustin

53. Trish Perlmutter, Esq., Policy Counsel-on behalf of Partners for Women and Justice

54. Loida Eunice Maquin Orantes

55. Katie Ingersoll, Vice President-on behalf of the South Jersey Progressive Democrats

56. Jake Rutkowski - on behalf of South Jersey Mutual Aid Network

57. Concerned resident

58. Rev. Rob Gregson, Executive Director-on behalf of Unitarian Universalist FaithAction NJ

59. Meghan Curley, Policy Advisor and Advocacy Organizer - on behalf of CATA-The Farmworker Support Committee

TRANSPORTATION

- 60. Itzel Hernandez, Immigrant Rights Organizer for Monmouth & Ocean County- on behalf of American Friends Service Committee
- 61. Governor James E. McGreevey-on behalf of the New Jersey Reentry Corporation
- 62. Cathy Keenan, Executive Director-on behalf of Volunteer Lawyers for Justice
- 63. Olivia Boser
- 64. Vineeta Kapahi, Policy Analyst-on behalf of New Jersey Policy Perspective
- 65. Deanna Dyer - on behalf of the New Jersey Coalition to End Domestic Violence
- 66. Stephen G. Carrellas, P.E., Director of Government and Public Affairs-on behalf of the National Motorists Association, New Jersey Chapter
- 67. Marlene Lao-Collins, Executive Director-on behalf of Catholic Charities, Diocese of Trenton
- 68. Form letter from more than 650 commenters:
 - i. Nilda Menjivar
 - ii. Nataly Sanchez
 - iii. Mauro Cruz
 - iv. Juan Aparicio
 - v. Henry Cante
 - vi. Reynaldo Bautista
 - vii. Arcelia Vivar-Espinoza
 - viii. Elizabeth Murillo
 - ix. Mario Mendez
 - x. Ily Orozco
 - xi. Thelma Reyes
 - xii. Jesus Tajiboy
 - xiii. Raquel Roman
 - xiv. Maria Juarez
 - xv. Alicia Sandi
 - xvi. Everardo Hernandez
 - xvii. Enrique Dominguez
 - xviii. Marbella Izquierdo
 - xix. Nolvin Jimenez
 - xx. Alberto Gomez
 - xxi. Blanca Abrego
 - xxii. Felipe Meza
 - xxiii. Pascual Nieto
 - xxiv. Eduardo Villegas
 - xxv. Eulalia Arán
 - xxvi. Alberto Perez
 - xxvii. Lili Belis
 - xxviii. Monica Guaman
 - xxix. Isabel Basurto
 - xxx. Michael Padua
 - xxxi. Angelica Sanchez
 - xxxii. Victor Méndez
 - xxxiii. Laura Montes
 - xxxiv. Jose Garcia
 - xxxv. Joel Cate
 - xxxvi. Rosy Garcia
 - xxxvii. Isabel Salvador
 - xxxviii. Jose Vargas
 - xxxix. Rosa Gonzalez
 - xl. Paola Rea
 - xli. Sonia Guevara
 - xl.ii. Deysi Duque
 - xl.iii. Ely Diaz
 - xl. iv. Marcelina M Jimenez
 - xl. v. Luna Conde
 - xl. vi. Wilson Morocho
 - xl. vii. Juan Ramirez
 - xl. viii. Maria Deleon
 - xl. ix. José Godinez
 - l. Deisy Oroxon
 - li. Antonia Luna
 - lii. Carlos Ortega
 - liii. Angel Palacio

ADOPTIONS

- liv. Wiliam Bautista
- lv. Evelyn Tlatoa
- lvi. Rogelio Rincon
- lvii. Yolima Arenas
- lviii. Diane Alaluna
- lix. Leonardo Calderon
- lx. Segundo Llivisupa
- lxi. Rosalba Aguirre
- lxii. Gregorio Flores
- lxiii. Sandra Rivera
- lxiv. Maria Lozano
- lxv. María Pino
- lxvi. Ana Garcia
- lxvii. Veronica Aponte
- lxviii. Mary Rivera
- lxix. Pedro Reyes
- lxx. Neris Dominguez
- lxxi. Carlos D Torres
- lxxii. Iris Figueroa
- lxxiii. Venancio Martinez
- lxxiv. Manuel Varillas
- lxxv. Soledad Molina
- lxxvi. Lizbeth Sanchez
- lxxvii. Lucia Lopez
- lxxviii. Angélica Velázquez
- lxxix. Iris Valenzuela
- lxxx. Amilcar Donis
- lxxxi. Seylin Vindas
- lxxxii. Félix Merino
- lxxxiii. Jorge Tayupanta
- lxxxiv. Werner Reyes
- lxxxv. Geronimo Hernandez
- lxxxvi. Benita Rossini
- lxxxvii. Gudelia Ramirez
- lxxxviii. Sebastian TV
- lxxxix. David Sarmiento
- xc. Tiburcio Cuautle
- xc. i. Marlon Reyes
- xc. ii. Manuel Mora
- xc. iii. Marco Rodríguez
- xc. iv. Maria Juárez
- xc. v. Manuel Chay
- xc. vi. Juan Inarra
- xc. vii. Maria del Carmen Castellanos
- xc. viii. Jesus Castro
- xc. ix. Carlos Zambrano
- c. Sandra Masis
- ci. Norma Giron
- cii. Telma Melgar
- ciii. Vicente Sosa
- civ. Pedro Gracia
- cv. Luisa Alvarez
- cvi. Wanda Garcia
- cvi. i. Anabel Castillo
- cvi. ii. Maria Teresa Segur
- cix. Irene Manzanarez
- cx. David Jimenez
- cx. i. RIGOBERTO Maximo
- cx. ii. Jose Perez
- cx. iii. Josue Ayala
- cx. iv. Pablo Baltodano
- cx. v. Gilberto Mendoza
- cx. vi. Alex Parada
- cx. vii. Miguel Ruiz
- cx. viii. Aide Hernandez
- cx. ix. Arnel Suastegui
- cxx. Bryan Fernando
- cxx. i. Marvin Zabaleta
- cxx. ii. Jairon Peña
- cxx. iii. Humberto Ponce

ADOPTIONS

TRANSPORTATION

cxxiv. Rafael Leiva
 cxxv. Claudia Garcia
 cxxvi. Veronica Flores
 cxxvii. Anahi Martinez
 cxxviii. Santiago Sanches
 cxxix. Pedro Perez
 cxxx. Graciela Fuentes
 cxxxi. Gustavo Vazquez
 cxxxii. Yony Menjivar
 cxxxiii. Rodrigo Guzman
 cxxxiv. Rodrigo Morales
 cxxxv. Mario Wilfredo Castro Guillen
 cxxxvi. Patricia Zuñiga
 cxxxvii. Rosario Quiroz Quiroz
 cxxxviii. Maria Tejada
 cxxxix. Sarai Salinas
 cxl. Norma Varela
 cxli. Rita Cespede
 cxlii. Hanzel Castro Solano
 cxliiii. Juan Arriaga
 cxliv. Lizzy Torres
 cxlv. Bonifacio Azcatl
 cxlvi. Oscar Gonzalez
 cxlvii. Felipe Hernandez
 cxlviii. Ligia Chacon
 cxlix. Luisa Gomez
 cl. Hilda Carazas
 cli. Ayesha Mughal
 clii. Misael Hernández
 cliii. Francisco Rodriguez
 cliv. Mauro Lopez
 clv. Maria Tenemaza
 clvi. Candido Osorio
 clvii. Ernestina Torres
 clviii. Oscar Jimenez
 clix. Alexander Delgado
 clx. Leticia Garcia
 clxi. Verence Cuenca
 clxii. Yuri Gomez
 clxiii. Jose Lopez
 clxiv. Erick Paz
 clxv. Jasmin Perez Cruz
 clxvi. Liseth Bermudes
 clxvii. Fede Teapila
 clxviii. Ana Hernandez
 clxix. Maria Barroso
 clxx. Sinai Julian
 clxxi. Emilia Julian
 clxxii. Arturo Lopez
 clxxiii. Kenny Ramirez
 clxxiv. Edilzar Godinez
 clxxv. Jessica Reyes
 clxxvi. Julian Ambrocio
 clxxvii. Sonia Coronel
 clxxviii. Segundo Cabrera
 clxxix. Jorge Rios
 clxxx. Diego Celis
 clxxxi. Gerardo Castaneda
 clxxxii. Arcelia Vivar
 clxxxiii. Emily Espinoza
 clxxxiv. Ana Martinez
 clxxxv. Edelmira Máximo
 clxxxvi. Adalberto Gijada
 clxxxvii. Helmer Tenorio
 clxxxviii. Carlos Benites
 clxxxix. Camila Guerrero
 cxc. Lesly Attilano
 cxci. Raul Garcia
 cxcii. Eladio Mena
 cxciii. Gabriel Gómez

cxciv. Jose C Rodríguez Ramirez
 cxcv. Adalberto Izaguirre
 cxcvi. Jorge Juarez
 cxcvii. lourdes Huamani
 cxcviii. Antonio Marmolejo
 cxcix. Carlos Martinez
 cc. Catalina Cortes
 cci. Irma Méndez
 ccii. Alberto Ramirez
 cciii. Marco Fernandez
 cciv. Mario Armas
 ccv. Ana Torres
 ccvi. Arly Marroquín
 ccvii. Abigail Jimenez
 ccviii. Caritina Hernandez
 ccix. Erika Torres
 ccx. July Leon
 ccxi. Cristin Bautista
 ccxii. Nerin Suarez
 ccxiii. Rafaela Aguilar
 ccxiv. Alicia Martínez
 ccxv. Ivon Enriquez
 ccxvi. Imeldo Del Valle
 ccxvii. Susana Quintero
 ccxviii. Paola Juarez
 ccxix. Victoria Hernandez
 ccxx. Viridiana Vazquez
 ccxxi. Marden Petit
 ccxxii. Jorge Ramirez
 ccxxiii. Wensinlao Galeas
 ccxxiv. Alexis Trigueros
 ccxxv. Oto Montufar
 ccxxvi. Gloribel Fuentes
 ccxxvii. Rocio Molina
 ccxxviii. Monica Blanco
 ccxxix. Nabor Acevedo
 ccxxx. Luis Guille
 ccxxxi. Miguel Perez
 ccxxxii. Pedro Flores
 ccxxxiii. Jeremías Perez
 ccxxxiv. Ana Tejada
 ccxxxv. Esmeralda Gomes
 ccxxxvi. Jeremy Zevallos
 ccxxxvii. Isabel Lapuerta
 ccxxxviii. Fernanda Vázquez
 ccxxxix. Jorge Sanchez
 ccxl. Jhonatan Cajamarca
 ccxli. Margarita Hernandez Giron
 ccxlii. Made Lapuerta
 ccxliiii. Juan Vizozo
 ccxliv. Maria Salto
 ccxlv. Rosalba Isidro
 ccxlvii. Leonardo Calderon
 ccxlviii. Adriano Paredes
 ccxlviii. Maria Rivera
 ccxlix. Brenda Tobar
 ccl. Maria Mejia
 ccli. Yolanda Garcia
 cclii. Ciro Cruz
 ccliii. Jose Rodriguez
 ccliv. Carlos Marroquín
 cclv. Juan Hernandez
 cclvi. Mayensi Ortiz
 cclvii. Jenn Cam
 cclviii. Antonio Villa
 cclix. Judith Marroquín
 cclx. Alejandro Méndez
 cclxi. Jose Dominguez
 cclxii. María Victoria Savone Tenaglia
 cclxiii. Elizabeth Bedoya

TRANSPORTATION

ADOPTIONS

cclxiv. Elsa M Flores
 cclxv. Arturo Hernandez
 cclxvi. Mayra Barrera
 cclxvii. Gonzalo Godoy
 cclxviii. Viviana Rendon
 cclxix. Gilberto Rivera
 cclxx. Marissa Hatten
 cclxxi. Jose Pedraza
 cclxxii. Jesus Satiago Hernandez
 cclxxiii. Flor Cuevas
 cclxxiv. Daniza Villafana
 cclxxv. Victor Buenavista
 cclxxvi. Ana Gomez
 cclxxvii. Diego Fernandez
 cclxxviii. David Aaronson
 cclxxix. Osmar S Cuevas Roman
 cclxxx. Hugo Alexis Martinez Cuevas
 cclxxxi. Isabel Salvador
 cclxxxii. Osvaldo Marcelo Martínez
 cclxxxiii. Arnulfo Garcia
 cclxxxiv. Niris Escobar
 cclxxxv. Jose Zuniga
 cclxxxvi. Guadalupe Perez
 cclxxxvii. Leticia Romero
 cclxxxviii. Jacqueline Lopez-Flores
 cclxxxix. Diana Guerra
 ccxc. Sergio Perez
 ccxci. Osmin Vargas
 ccxcii. Efrain Peña
 ccxciii. Cori Sarmiento
 ccxciv. Manuel Chay
 ccxcv. Carmen Coronel
 ccxcvi. Donaciano Lopez
 ccxcvii. William Colon
 ccxcviii. Yessica Zelaya
 ccxcix. Elizabeth Lopez
 ccc. Jose Lopez
 ccci. Fanny Feliz
 cccii. Sergio Hernandez
 ccciii. Bryan Fernando
 ccciv. Marilu Araiza
 cccv. Israel Ramos Montesinos
 cccvi. Aude Gaspar
 cccvii. Diana Aguirre
 cccviii. Juan Carlos
 cccix. Valencia Guerra (one e-mail) (couple)
 ccx. Marcos Montano (one e-mail) (couple)
 cccxi. Benigna Valdivia
 cccxii. Edgar Rosales
 cccxiii. Javier Munares
 cccxiv. Jenny Rodriguez
 cccxv. Biviano Gonzalez O. (sic)
 cccxvi. Alberto Reyes Zambrano
 cccxvii. Patricia Coyotecatl
 cccxviii. Noel Sanch9 (sic)
 cccxix. Pilar Corona
 ccxxx. Miguel Lara
 ccxxxi. Dominga Bravo
 ccxxxii. Carlos Salas
 ccxxxiii. Claudia Hernandez
 ccxxxiv. Cecilia Vidal
 ccxxxv. Erick Rios
 ccxxxvi. Rosa Camacho
 ccxxxvii. Jose Lucero
 ccxxxviii. Martha Santiago
 ccxxxix. Ruth Palencia
 cccxxx. Ignacio Martinez
 cccxxxi. Mauricio Salazar
 cccxxxii. Eloisa Lendos
 cccxxxiii. Martha Marroquiz

cccxxxiv. Marbel Rodriguez
 cccxxxv. Luis Rojas
 cccxxxvi. Miguel Lara
 cccxxxvii. Gloribel Fuentes
 cccxxxviii. Roberto Chumil
 cccxxxix. Rosa Quinde
 ccxli. Luis Lainez
 ccxlii. Ramiro Avalos
 ccxliii. Edelman Aguirre
 ccxliv. Luisa Calderón
 ccxlv. Erika Munoz
 ccxlv. Luz Leon
 ccxlvii. Sherry Muñoz
 ccxlviii. Angelica Carrasco
 ccxlviii. Bella luz Moralez
 ccxlix. Daniela Tarez
 cccli. Lily Benavides
 cccli. Marlen Paredes
 ccclii. Ely Diaz
 cccliii. Santos Moreno
 cccliv. Martha Marroquiz
 ccclv. Mauricio Pacheco
 ccclvi. Homero Morocho
 ccclvii. Juan Cuautle
 ccclviii. Luis Elizalde
 ccclix. Daniela Garcia
 ccclx. Angela Oviedo
 ccclxi. Geraldine Paredes
 ccclxii. Dayna Chaname-Matos
 ccclxiii. Jack Tomy
 ccclxiv. Lucila Rivera
 ccclxv. Gessele Lima
 ccclxvi. Daniella Rivera
 ccclxvii. Boris Rorer
 ccclxviii. Edwin Rodriguez
 ccclxix. Nicole Burbano
 ccclxx. Remi Ventura
 ccclxxi. Maria Corona
 ccclxxii. Kathy O'Leary
 ccclxxiii. Maria Paz-Lopez
 ccclxxiv. Jake Ephros
 ccclxxv. Jeff L
 ccclxxvi. Maya Perdomo
 ccclxxvii. Jim Price
 ccclxxviii. Marinus Broekman
 ccclxxix. Austin Greitz
 ccclxxx. Ava Bertolotti
 ccclxxxi. Sonia Aquije
 ccclxxxii. Josh Stark
 ccclxxxiii. Walter Munoz
 ccclxxxiv. Ashley Romero-Jimenez
 ccclxxxv. Arcelia Vivar-Espinoza
 ccclxxxvi. Ricardo Fernandez
 ccclxxxvii. Stacey Gordillo
 ccclxxxviii. Hibah Ayub
 ccclxxxix. Farah Shaheed
 ccxc. Emily Tribiano
 ccxc. Katharine Little
 ccxcii. Ricardo Batista
 ccxciii. Vonnice Morris
 ccxciv. Edgar Patricio
 ccxcv. Courtney-Joy Breeden
 ccxcvi. Jose Ortiz
 ccxcvii. Jenna Brual
 ccxcviii. Alana Cabezas
 ccxcix. Silviavia Hernandez
 cd. Romeo divas
 cdi. Veronica Arenas
 cdii. Manuel Chay
 cdiii. Alva Barreira

ADOPTIONS

TRANSPORTATION

cdiv. Isidro Garcia
 cdv. Patricia Zuniga
 cdvi. Susan Jackson
 cdvii. Mariana Horta
 cdviii. Nicholas Handerhan
 cdix. Rich Sroczynski
 cdx. Han Broekman
 cdxi. Fidel Garcia
 cdxii. Efren Jaramillo
 cdxiii. Mauricio almandarez
 cdxiv. Marbin Mejia
 cdxv. Camille Malonzo
 cdxvi. Max Sutters
 cdxvii. Sandra Bautista
 cdxviii. Maeve Forde
 cdxix. Emily Draper
 cdxx. Miguel Sanchez
 cdxxi. Maria Tenezaca
 cdxxii. Thria Bernabe
 cdxxiii. Paige Abramowitz
 cdxxiv. Jane Stonberg
 cdxxv. Pedro Ortogs
 cdxxvi. Fabián Gordillo
 cdxxvii. Michelle Qiou
 cdxxviii. Rebecca Labay
 cdxxix. Marina Feldman
 cdxxx. Leonard Thomas
 cdxxxi. Elizabeth Miller
 cdxxxii. Cruz Velázquez
 cdxxxiii. Hannah Beal
 cdxxxiv. Beatrice Konrad
 cdxxxv. Marua Lozano
 cdxxxvi. Elias Berbari
 cdxxxvii. Amanda Haye
 cdxxxviii. Donna Stewart
 cdxxxix. Karla Lopez-Vivar
 cdxl. Jessica Dunlap
 cdxli. Myriam Burger
 cdxlii. Gabriela Puche
 cdxliii. Emily Rizzo
 cdxliv. Meghan Dunleavy
 cdxlv. Christopher Carpita
 cdxlvi. Andre Burger
 cdxlvii. Vanessa Reina
 cdxlviii. Stephanie Risley
 cdxlix. Ydianna Hidalgo
 cdli. Amanda Kearney
 cdli. Justin Pines
 cdlii. Nicole Fuchs
 cdliii. Laurie Gero
 cdliv. Catriona Corbett
 cdlv. Ryan Dunlap
 cdlvi. claudia reines
 cdlvii. Sir Grisel
 cdlviii. Ally Czajkowski
 cdlix. Emma Gouran
 cdlx. Christopher Klemm
 cdlx. Kevin Kennedy
 cdlxii. Sara C
 cdlxiii. Araceli ROJAS
 cdlxiv. maria corona
 cdlxv. Christine Elias
 cdlxvi. Victoria Perez
 cdlxvii. David Reese
 cdlxviii. Owen Stanczak
 cdlxix. Stephanie Zhang
 cdlxx. Emily Hashem
 cdlxxi. Kaylea Perales
 cdlxxii. Victor Sytzko
 cdlxxiii. TaeHo Lee

cdlxxiv. Bob Ramos
 cdlxxv. Nina Carlsen
 cdlxxvi. Alana Horowitz Friedman
 cdlxxvii. Tina Galante
 cdlxxviii. Vanessa Castro-Mora
 cdlxxix. Kerry Klemmer
 cdlxxx. Lorna Henkel
 cdlxxxi. Alexander Bogdanowicz
 cdlxxxii. Miriam Zamudio-Coria
 cdlxxxiii. Lilly Friedman
 cdlxxxiv. Ruthie A
 cdlxxxv. Lainey Bein
 cdlxxxvi. Paul Boranian
 cdlxxxvii. Olivia Vendas
 cdlxxxviii. Thomas Vajtay
 cdlxxxix. Katie Singer
 cdxc. Randy Van Osten
 cdxc. Sonya Chen
 cdxcii. Alex Jaramilli
 cdxciii. Darrin Anderson
 cdxciv. Mayrani Mejia
 cdxcv. Michael Cluff
 cdxcvi. George Adorno
 cdxcvii. Cheryl Dzubak
 cdxcviii. Matt Kiel
 cdxcix. Andrew D'Apice
 di. Danielle Carpita
 dii. Anne Luck-Deak
 dii. Yael Webber
 diii. Mildred Asamoah
 div. Joyce Scheyhing
 dv. Samatha Nemana
 dvi. XXX57@gmail.com (email truncated)
 dvii. Matt Heinle
 dviii. Franklin López
 dix. melvin duron
 dx. Patricia Gutierrez
 dxi. Fidelino Campos
 dxii. Verónica Salazar
 dxiii. Gildardo Z
 dxiv. Carla Oscal
 dxv. Claudia González
 dxvi. Aracelis Rodríguez
 dxvii. Ana Perez
 dxviii. Maria Duchi
 dxix. David Vásquez
 dxx. Carla Oscal
 dxxi. Jeaneth Ramirez
 dxxii. Martha Vidal
 dxxiii. Eleno Temu Reyes
 dxxiv. Jesus Cruz
 dxxv. Jennifer Tang
 dxxvi. Omar Hernandez
 dxxvii. Anna Ben-Hur
 dxxviii. Jose De Leon Grullart
 dxxix. Karina Montelongo
 dxxx. Mariela Dominguez
 dxxxi. Mack Miller
 dxxxii. Yudelky Joseph Khan
 dxxxiii. Emma Corcoran
 dxxxiv. Moy Lara
 dxxxv. Vidal lopez
 dxxxvi. Xavier Martinez20
 dxxxvii. Velvet Ramos
 dxxxviii. Jenifer Garcia-Pelaez
 dxxxix. Lesly ramos
 dxl. Sara Vidal
 dxli. Ericka Cruise
 dxlii. Nicole Canete
 dxliii. Fredy Rodriguez

dxliv. Teresa Zepeda
 dxlv. Graciela Fuentes
 dxlvi. Juliana Cohetero
 dxlvii. Edith Palillero
 dxlviii. Manuel carpio
 dxlix. Juan Gomez
 dl. Aranely Ramirez
 dli. Odelia Valentin
 dlII. Jeanne Taylor
 dlIII. Maria Torres
 dliv. Antonio gallardi
 dlv. Juan Portillo
 dlvi. mynor florian
 dlvii. Eva Martinez
 dlviii. Godofredo Barroso
 dlIx. Manuel Chica
 dlX. Yony Cruz
 dlxi. Alan montufar
 dlxii. Marcela Flores
 dlxiii. David Arenas
 dlxiv. yensy rodriguez
 dlxv. Julio Flores
 dlxvi. Noe Roblero
 dlxvii. Hector Garcia
 dlxviii. Ingrid Medina
 dlxix. Lilian Ramos
 dlxx. Beatriz Tecotl
 dlxxi. Karin Vanoppen
 dlxxii. Esvin Figueroa
 dlxxiii. Eugenio Zuñiga sarmiento
 dlxxiv. Lucia Espindola
 dlxxv. Nerin Suarez
 dlxxvi. Elba j Sicaja
 dlxxvii. Juan Sosa
 dlxxviii. Donaciano lopez
 dlxxix. Irma Rivera
 dlxxx. Florencia García
 dlxxxi. José Ortiz
 dlxxxii. Moisés Lopez
 dlxxxiii. Jerrold Atlas
 dlxxxiv. Maribell Pérez
 dlxxxv. Tereso Ramirez
 dlxxxvi. Juan Diego Capetillo
 dlxxxvii. Alejandra Bautista
 dlxxxviii. Mirna Vasquez
 dlxxxix. Anhel Carrillo
 dxc. Elder Valladares
 dxcI. Eleazar Solis
 dxcii. Monica Dominguez
 dxciii. Lisa Modhwadia
 dxciv. Gabriel Perez lopez
 dxcv. Abel Fernandez
 dxcvi. Petita CELI
 dxcvii. Evodia flores luna
 dxcviii. Gloria López
 dxcix. Gerardo Luna
 dc. Gladys Mendoza
 dcI. Eduardo Galindo
 dcii. Silvia Gonzalez
 dciii. Edwin Chacón
 dciv. Felipe Gomez
 dcv. Jesus Marquez
 dcvi. Juan J. MONTES
 dcvii. Zoila ismelda Vielman vielman
 dcviii. Anastacio Hijuitl
 dcix. Jesús Romero
 dcx. Manuel Chay
 dcxi. Eleuterio Javier
 dcxii. Yolanda Velasquez
 dcxiii. Luz Javier

dcxiv. César Peña
 dcxv. Sindy Orellana
 dcxvi. Luis Cabrera
 dcxvii. Marlen Paredes
 dcxviii. Refugio Toribio
 dcxix. Juan Ramirez
 dcxx. Werner Reyes
 dcxxi. Marina Perez
 dcxxii. Angel Valdez
 dcxxiii. Lorena Agustiniano Toscano
 dcxxiv. Guillermina Soperanez
 dcxxv. Daniel Hernandez
 dcxxvi. Miguel Lara
 dcxxvii. William Taylor
 dcxxviii. Martin De Jesus
 dcxxix. Rosa Cabrera
 dcxxx. Luz Nunez
 dcxxxi. Nathaly Austin
 dcxxxii. Diego Cepeda
 dcxxxiii. ALEJANDRO Martinez
 dcxxxiv. Clara Austin
 dcxxxv. Clemente Mendez
 dcxxxvi. Cristian Espejo
 dcxxxvii. Grace Brion
 dcxxxviii. Alexis Carmona
 dcxxxix. Chris Maldonado
 dcxl. Ramon Padilla
 dcxli. Julio C Zamudio
 dcxlii. Alvino Sinchi
 dcxliii. Ivan Marquez
 dcxliv. Victor Acosta
 dcxlv. Robert Sobet
 dcxlvI. DELFINO APARICIO
 dcxlvii. Isabel Hernandez
 dcxlviii. José Ramirez
 dcxlix. shanta Smith-Gist
 dcl. Fabian Sanchez
 dcli. Will murillos
 dclii. Fanny Guillermo
 dcliii. Ruby Lopez
 dcliv. Osmin Rodriguez
 dclv. Orlando Perdomo
 dclvi. Robert Atariguana
 dclvii. Elizabeth Enright

1. COMMENT: The commenters express concerns regarding proposed N.J.A.C. 13:21-8.2(b)7ii and suggest that the rule be changed to allow applicants that are ineligible to receive a Social Security number to attest to their ineligibility for a Social Security number—a process already in place in states such as California and New York—instead of being required to provide proof of such ineligibility by obtaining a letter from the Social Security Administration (SSA), or providing proof of an Individual Taxpayer Identification Number (ITIN). The commenters assert that requiring applicants to obtain such proofs is not required by the statute, and creates unnecessary burdens and safety risks for eligible applicants associated with the interaction and sharing of personal information with a Federal agency, thereby, potentially deterring New Jersey residents who would otherwise be eligible, from applying for a driver license.

Additionally, some commenters suggest that allowing applicants to submit proof of an ITIN, as an alternative, poses similar risks to that of seeking a letter of ineligibility from the SSA and involves a time-consuming and costly application process for applicants. (1 through 6, 8, 17, 18, 20, 21, 24, 26 through 34, 39, 41, 43, 44, 45, 46, 47, 48, 50, 51, 52, 53, 55, 56, and 58 through 68)

RESPONSE: The Commission is required to follow the requirements of the statute. As revised by P.L. 2019, c. 271, N.J.S.A. 39:3-10 states that “In addition to requiring an applicant for a driver’s license to submit satisfactory proof of identity and age, the commission also *shall require* the applicant to provide:

(1) as a condition for obtaining a permit and standard basic driver’s license, *proof of the person’s social security number and one document*

providing satisfactory proof that the applicant is a New Jersey resident. If the person does not have a social security number, the person shall either:

- (a) provide satisfactory proof of an *Individual Taxpayer Identification Number*; or
- (b) indicate, in a manner prescribed by the commission and consistent with all other provisions of P.L.2019, c.271 (C.39:3-100 et al.), that the person is not eligible to receive a social security number; ... (Emphasis added.)

By building the option to supply satisfactory proof of an Individual Taxpayer Identification Number into the rules, the Commission has complied with the statutory mandate. See also the Response to Comment 10 in relation to other acceptable proofs besides the letter from the Internal Revenue Service.

With regard to the proposed requirement for submission of a letter from the Social Security Administration as to the applicant's ineligibility for a Social Security number, the Commission has determined that an affidavit requirement will be sufficient to advance the intended purpose, which is to function as an additional means of supporting identity. The Commission adopts the original rule as proposed, but in a separate notice of proposal filed concurrently with this notice of adoption, it has proposed amending that portion of the rule to delete the Social Security letter language and insert an affidavit requirement in its place.

The adoption of this language will allow residents who do have ITINs, as well as residents who have a Social Security number or letter of denial from the Social Security Administration, to be eligible for the process of applying for driver and other licenses no later than May, 2021. The concurrent notice of proposal will allow other residents who do not have ITINs or Social Security numbers to begin applying for driver and other licenses or identification cards no later than June, 2021; appointment scheduling for these licenses will open May, 2021.

2. COMMENT: Regarding the proposed change to N.J.A.C. 13:21-8.2(b)6, several commenters suggested that the Commission should conduct internal verification of foreign identification documents, instead of requiring that those documents be verified by the applicable consulate. Some commenters specifically seek to remove the requirement that foreign passports shall be "with validation," noting that the meaning of the term validation is unclear and creates an unnecessary barrier for eligible applicants.

Some commenters further state that the verification of documents with the applicable consulate is a process that will cause significant delays, impose costs upon applicants, and potentially deter applicants with asylum claims from seeking verification and thereby accessing driver licenses and non-driver ID's.

The commenters propose that the Commission should train its employees to verify documents themselves. Some commenters recommend that in cases where contact with a particular consulate is necessary for verification of a document, the Commission should issue a notice and request consent from the applicant. (1 through 6, 18, 20, 21, 26 through 35, 39, 43, 45, 46, 47, 48, 51, 55, 56, 58, 59, 60, 62, 63, and 67)

RESPONSE: Upon consideration of the comment, the Commission understands the commenters' concerns. The Commission believes that verification of foreign identification documents is necessary to determine the authenticity of the specific document that is being used to verify the applicant's identity. The verification process is a matter of public safety and security, and further prevents identity fraud. The Commission clarifies this requirement to mean that the Commission will use resources sought from and provided by consulates, where applicable, to train Commission employees to recognize valid documents. Experience in other states indicates that it is also possible to establish automated verification of documents with the consulates of some (but not all) countries, which should make it possible to speed permit and license approval. It was the Commission's intent that employees should rely on official resources, such as official examples of valid documents to verify validity. If these resources are insufficient for the Commission to verify validity of a document issued by a country other than the United States, or if the document lacks a required seal, stamp, signature, or other required characteristic to be considered valid, the customer must have it verified by the applicable consulate. As for asylees, the regulation provides for the

acceptable identity documents, which do not require consulate verification.

3. COMMENT: The commenters identify concerns with the language at N.J.A.C. 13:21-8.2(b)11, which requires all identity documents, not written in English, to be accompanied by a certified translation. They request that the language of the proposed rule be revised to clarify that a certified translation may be "self-certified by the translator," so as to avoid creating confusion, imposing unnecessary costs, and deterring those eligible applicants applying for a driver license. Additionally, the commenters propose that the Commission should utilize a standard translation form, that would require the document translator to sign and certify that they are competent to translate the document from the language in which the document is written in, into English. (1, 6, 21, 26, 35, 43, 46, 47, 48, 50, 51, 53, 55, 56, 58, 59, 60, 61, 62, 65, and 67)

RESPONSE: The Commission has considered the comments regarding the requirements surrounding certified translations, and believes that the rule, as written, is reasonable. The Commission notes that all applicants for a driver license, permit, or non-driver identification card, are required to obtain a certified translation to accompany any document they present that is not written in English. For this reason, the Commission declines the request to revise the proposed rule.

4. COMMENT: The commenters recommend that the category of birth certificates accepted should be broadened to include abstract birth certificates. Specifically, the commenters state that certain groups of individuals, including refugee groups, survivors of domestic violence, and low-income members, are unlikely to have access to their original birth certificate but may be able to obtain an official abstract of such. (1, 6, 21, 26, 35, 43, 46, 47, 48, 50, 51, 55, 56, 58, 59, 60, 61, 62, 65, and 67)

RESPONSE: The Commission declines the commenters' request to revise the primary list of documents to specifically include abstracts, as the Commission currently accepts birth certificates as a primary document. Under the Commission's existing regulation, N.J.A.C. 13:21-8.2(b), an applicant may provide proof of identity by submitting either an original or certified (by the issuing government authority) copy of a primary and/or secondary document, therefore, if an applicant presents a certified or original copy of a birth certificate abstract as a primary document, the Commission would accept it. The rules make no distinction between a birth certificate and an abstract of a birth certificate. If a customer submits a valid, government-issued record of birth, that can be used as a primary document.

5. COMMENT: The commenters recommend that the Commission should accept foreign driver licenses, foreign passports, and consular identification cards "regardless of their expiration dates," as many community members presenting foreign documents will only have access to those documents that have been expired for a period of time, longer than three years. (1, 6, 21, 26, 35, 43, 46, 47, 48, 51, 55, 56, 58, 59, 60, 62, 65, and 67)

RESPONSE: The Commission declines to revise the proposed rules to allow for foreign documents to be accepted "regardless of their expiration date." The expiration date of an identification document is necessary in determining the authenticity of the specific document that is being used to verify an applicant's identity-the longer a document is expired, the greater the chance that the personal information contained in it is no longer accurate. The process of verifying a document's authenticity is a matter of public safety and security and ensures against identity fraud. In light of this, the Commission believes that the proposed rule, which allows an applicant to present even expired documents, so long as the document is expired no more than three years from the designated expiration date, is reasonable, and should be adopted.

6. COMMENT: The commenters recommend that the Commission should accept the following foreign-issued documents: civil marriage licenses or civil marriage certificates; civil union licenses or certificates; and divorce decrees. (1, 6, 21, 26, 35, 43, 46, 47, 48, 51, 55, 56, 58, 59, 60, 62, 65, and 67)

RESPONSE: The Commission declines the commenters' request to revise the list of documents to include foreign-issued marriage licenses, marriage certificates, and divorce decrees. The Commission currently accepts these types of marriage documents under the existing rules, so long as the document is an original or certified (by the issuing government authority) copy; and accompanied by a certified translation if the

document is not written in English, pursuant to proposed N.J.A.C. 13:21-8.2(b)11.

7. COMMENT: The commenters express concerns with the Commission's proposed list of acceptable documents used to establish an applicant's identity. So as to ensure that all individuals have equal access to driver licenses and non-driver identification cards, the commenters request that the Commission add more documents that can be used as proof of identity by excluded members of community groups, including victims of domestic violence, formerly incarcerated individuals, low-income community members, homeless individuals, and the undocumented individuals. Some commenters recommend that the Commission add specific documents to the list of acceptable identity documents, including a Department of Corrections identification, and a letter of acceptance or receipt of a means tested benefit among others. (1 through 6, 18, 21, 26 through 35, 39, 43, 46, 47, 48, 50, 51, 53, 55, 56, 58 through 65, 67, and 68)

RESPONSE: The Commission currently accepts alternative proofs of identification that are made available to members of various community groups, including an alternative proof of address exception for victims of domestic violence provided through the New Jersey Address Confidentiality Program; and a proof of address accommodation that is provided to persons who are homeless, provided for issuance of a non-driver ID card. Moreover, the Commission currently accepts a New Jersey public assistance card with a photo, as a secondary document used to establish identity that can be used by low-income community members.

Upon consideration of the commenters' request to add a Department of Corrections identification to the list of acceptable documents, the Commission agrees to add the document to the list of acceptable 2-point documents. The Commission currently offers a non-driver ID card issued to formerly incarcerated individuals pursuant to a Department of Corrections inmate release program (pursuant to N.J.S.A. 30:1B-6.15), which card the Commission is required to accept when presented as proof of identification in support of an application for a non-driver identification card. The Commission agrees to accept the Department of Corrections identification card as proof of identification in support of an application for a driver license. The Commission also agrees to accept the requisite letter for proof of address that may be presented by applicants for a non-driver ID card by persons who are homeless, from applicants for a driver license by persons who are homeless. Therefore, the Commission believes that the proposed rules require clarification, and has revised the proposed rules accordingly.

The Commission declines to add identity documents that it feels either do not require proof of identity for issuance or require an individual to present different proofs of identification, of varying degrees. In light of these differences and the difficulties in being able to ascertain the specific document verification procedures upon which each entity bases the issuance of such identification, the Commission believes other identification documents requested by the commenters do not serve to adequately verify an applicant's identity.

8. COMMENT: The commenters request that the Commission should add a "P.O. Box assigned to an individual under the New Jersey Address Confidentiality Program (Program)," to the list of acceptable documents establishing proof of residence, so as to ensure that survivors of domestic violence have equal access to obtain a standard driver license even if they do not have a permanent address. (1, 6, 21, 26 through 35, 43, 46, 47, 48, 50, 51, 55, 56, 58, 59, 60, 61, 62, 65, and 67)

RESPONSE: The Commission does not believe such a change is necessary because the Commission already has an exception at N.J.A.C. 13:21-8.2(e), which allows "victims of domestic violence and other specified crimes, and those the Chief Administrator determines to have good cause, to show a document listing a post office box, an address other than the applicant's address, or other contact point, as an acceptable proof of principal residence."

9. COMMENT: The commenters request that the Commission accept a letter of acceptance or receipt of a State or Federal means tested benefit or entitlement. (1, 6, 21, 26 through 34, 43, 46, 47, 48, 50, 51, 55, 56, 58, 59, 60, 61, 62, 65, and 67)

RESPONSE: The Commission currently accepts "first class mail from any government agency within six months," as an acceptable proof of an applicant's residency, pursuant to N.J.A.C. 13:21-8.2(d)6. Moreover, the

list of documents accepted by the Commission that establish proof of residency, is "not limited," to those documents designated at N.J.A.C. 13:21-8.2(d), rather, the Commission has the discretion to accept other forms of documentation that it deems acceptable. Accordingly, the Commission declines the commenters' request to add the suggested document, as it is unnecessary because the language of the current rules would include a "letter or receipt," as an acceptable proof of an applicant's residency. See also the Response to Comment 7.

10. COMMENT: The commenters express concerns with regard to the language at 13:21-8.2(c)4iii, which identifies a New Jersey income tax refund as an acceptable proof of establishing an applicant's Individual Taxpayer Identification Number (ITIN). The commenters seek to amend the language to "New Jersey income tax filing or document issued by the United States Internal Revenue Service displaying ITIN," thereby expanding the language to include those ITIN filers that have to pay taxes rather than just those who receive a refund. (1, 6, 21, 26, 35, 43, 46, 47, 48, 51, 55, 56, 58, 59, 60, 62, 65, and 67)

RESPONSE: The Commission notes that while the language specifically allows the use of a New Jersey income tax refund displaying the ITIN, the Commission did intend to utilize a larger group of tax documents that are government-issued documents. This would include proof of tax filing that had come from the New Jersey Division of Taxation. The Division accepts requests for mailing copies of returns at: https://www.state.nj.us/treasury/taxation/obt_copies.shtml. Therefore, the Commission has determined to clarify the provision by adding language specifically allowing tax documents, which include copies of filings, that have been obtained from the Division of Taxation to be utilized as proof of an ITIN number. However, the Commission will not accept copies of tax returns that are not government-issued documents, because any tax form can be downloaded from the internet and be completed by any person, who can thereby fill in any ITIN number.

The Commission further notes that existing N.J.A.C. 13:21-8.2(c)4i identifies an official letter from the IRS verifying the applicant's ITIN, as an acceptable document establishing proof of a person's ITIN.

In requiring a tax refund showing an ITIN, the purpose was to identify a document received from the Internal Revenue Service (IRS) or the New Jersey Division of Taxation as opposed to one submitted to those entities. As the commenters point out, not everyone receives a refund. Thus, to clarify, while reaching the same goal related to proof of identity, the Commission will add language allowing a document received from the IRS or the New Jersey Division of Taxation that displays the applicant's name and ITIN.

11. COMMENT: The commenters request that the Commission implement safeguards to protect the personal information of all New Jersey residents in accordance with N.J.S.A. 39:2-3.4 that "limits the purpose for which the Commission may share a person's confidential information." The commenters urge the Commission to: 1. codify a policy requiring high-level review of requests to join and share customers' information through the Customer Abstract Information Retrieval system (CAIR); and 2. require high-level review of other decisions to share customer information, with certain exceptions. The commenters' assert that "high-level review is required to prevent unintended release of an applicant's personal information and misuse of this same information." Some commenters suggest that the Commission require audits to review current requestors' accounts in the database. (1, 6, 21, 26 through 35, 43, 46, 47, 48, 50, 51, 55, 56, 58, 59, 60, 61, 62, 65, 66, and 67)

RESPONSE: The Commission appreciates the commenters' concerns but declines the request, as the Commission has implemented internal procedures requiring mandatory executive review of a user's request to join CAIR and the release of driver record information in bulk, to those users. Moreover, the Commission only releases driver record information in accordance with the New Jersey Driver Privacy Protection Act, N.J.S.A. 39:2-3.4, which restricts and strictly prohibits the release of information for immigration related purposes.

12. COMMENT: The commenters urge the Commission to eliminate the use of facial recognition technology (FRT) to search customer images, or alternatively, limit running internal FRT searches only upon a finding of probable cause to believe that an individual has committed an enumerated fraud-related offense. The commenters' assert that the statute protects the privacy of customer images found in the Commission's

database, and accordingly, FRT involves a warrantless search of the photos of millions of Americans. (1, 6, 21, 26 through 35, 43, 46, 47, 48, 50, 51, 55, 56, 58, 59, 60, 61, 62, 65, and 67)

RESPONSE: The Commission declines to accept the commenters' suggestions regarding the elimination of the Commission's use of facial recognition technology to search customer images. Facial recognition is outside of the scope of this rulemaking.

As noted by the commenters, N.J.S.A. 39:2-3.4.a and g prohibit the Commission from knowingly disclosing an individual's personal information that is obtained by the Commission in connection with a motor vehicle record, with certain exceptions. The statute clarifies that an individual's photograph is considered personal information and that the prohibited disclosure of such personal information extends to "federal, State, and local law enforcement." Thus, an applicant's photograph already is personal information that is protected from disclosure to Federal agencies.

13. COMMENT: The commenters recommend that the Commission should afford an applicant notice of any decision to scan and/or retain their identity documents for the purposes of investigating fraud pursuant to N.J.S.A. 39:2-3.4.a, and the opportunity to appeal such a decision. The commenters assert that "a fraud investigation could lead to criminal charges, which could have serious collateral consequences for non-citizens," and, therefore, "applicants should be notified if any of their identity documents have been flagged as fraudulent and subject to retention by the Commission, and given the opportunity to appeal such a decision." (1, 6, 21, 26, 35, 43, 46, 47, 48, 50, 51, 55, 56, 58, 59, 60, 61, 62, 65, and 67)

RESPONSE: The Commission declines to accept the commenters' request to create a notice and appeal process for those applicants whose documents are retained pursuant to a fraud investigation. Essentially, every individual that applies for a driver license or ID card agrees to submit to the application process—a process that includes presenting various documents to confirm an applicant's identity and residency in New Jersey, and subsequent verification of those same documents to determine their authenticity; in cases where a fraudulent document is identified, the applicant is subject to having the Commission scan and retain their documents for investigation purposes, as required by statute.

14. COMMENT: The commenters recommend that the Commission codify its current policy, so as to prohibit Commission staff from recording the types of identity documents that are submitted on the license application. The commenters assert that while the regulations prohibit the scanning and/or retention of any primary or secondary documents submitted by the applicant, they do not explicitly prohibit the Commission staff from indicating the types of documents submitted to establish eligibility for a driver license or non-driver ID card. (1, 6, 21, 26, 35, 43, 46, 47, 48, 51, 55, 56, 58, 59, 60, 61, 62, and 67)

RESPONSE: The Commission declines to accept the commenters' request. It is the Commission's internal procedure to note each category of document that an applicant presents to establish their identity—a necessary step for security and auditing.

15. COMMENT: The commenters recommend that the Commission adopt inclusive language replacing "his or her" with "their" to avoid excluding those with non-binary gender identities. (1, 6, 21, 26, 35, 43, 46, 47, 48, 50, 51, 55, 56, 58, 59, 60, 61, 62, and 65)

RESPONSE: The Commission's various applications requiring customers to indicate their gender allow for male, female, or X, accounting for a non-binary option and those who choose not to indicate male or female on the application or on their driver license or non-driver ID. While the Commission believes that the existing language used does not operate to restrict any individual from applying for, and obtaining, a standard document on the basis of gender, and moreover, that an individual's particular gender is not decisive for purposes of establishing eligibility for a driver license, permit, or non-driver identification card, it will make the recommended change upon adoption.

16. COMMENT: The commenter submitted comments regarding the proposed changes to the list of acceptable primary and secondary documents and suggests that the Commission should accept other legal forms of ID's issued by the consulates in the United States, such as a "matricula, draft card, and/or cedula." The commenter urges the

Commission to add these documents to the list of secondary documents and award one to two points to each. (12)

RESPONSE: An identification card issued by a consulate is designated as an acceptable primary document under proposed N.J.A.C. 13:21-8.2(c)1 and valued at four points. As accepting other legal forms of ID's issued by consulates is already in the rulemaking, and would include matricula, draft card, and/or cedula, the Commission declines the commenter's recommendation to add the requested specific documents to the list of what is acceptable.

17. COMMENT: The commenter requests that the Commission delete the proposed changes to N.J.A.C. 13:21-8.2(h), which requires each applicant of a "new or renewed standard special learner permit with photo," to have their photo taken by the Commission upon submission of the application. The commenter states that many driving schools and high schools currently submit special learner permit applications in bulk for processing to the Commission, on behalf of their students, a process that allows thousands of students, parents, and instructors annually, to skip a trip to the Commission's agencies. The commenter expresses concerns that the proposed rule would require 16-year-old driving school students to appear at an agency to have their photo taken, not only resulting in increased costs of services for the commenter and their consumers, but also creating an inconvenience on students and their parents who would be required to visit an agency. (22)

RESPONSE: The Commission declines to make the commenter's suggestion. The Commission finds that the proposed rule, as written, has no impact on the commenter or on students applying for a standard special learner's permit, as the Commission currently does not offer special learner's permits with a photo, other than for commercial learner's permits. However, if at any point in the future the Commission begins to issue standard special learner's permits with a photo, the proposed rule would take effect.

18. COMMENT: The commenter recommends that the Commission "should have a specialist that focuses on the multiple passports and ITIN documents" at each Commission office and/or region. (12)

RESPONSE: The Commission thanks the commenter for their suggestion to help the Commission enhance its internal document security procedures.

19. COMMENT: The commenter recommends that the Commission should "accept ITIN's from applicants as one type of proof of Social Security number ineligibility," asserting that the proposed SSA letter requirement would require applicants to share personal information with the Federal government, which many immigrants fear. The commenter encourages community members to contribute to the society and economy by paying into the U.S. tax system using an ITIN. (35)

RESPONSE: The Commission accepts the comment, as the request is consistent with the Commission's proposed rules that allow applicants the option of providing proof of an ITIN, in lieu of providing proof of Social Security number ineligibility; however, no change to the rules is needed.

20. COMMENT: Numerous commenters are of the opinion that the issuance of driver licenses to "illegal immigrants" should be based upon the same six-point system of identification that exists for those individuals who are "legal citizens." (7, 9, 16, and 25)

RESPONSE: The rules requiring six points of identification apply to all applicants for a standard driver license or non-driver ID, regardless of immigration status or age. The Commission continues to require strict proof of identity in order to get a driver license or non-driver identification card, and this rulemaking follows the laws establishing the requirements. Therefore, the Commission finds the comments concerning different requirements for different applicants unfounded.

21. COMMENT: The commenters express their support for the proposed rule requiring undocumented immigrants to present proof of a Federal Individual Taxpayer Identification Number (ITIN). (11, 12, and 40)

RESPONSE: The Commission accepts this comment and thanks the commenters for their comments.

22. COMMENT: The commenter expresses their strong support for the simplification of the documentation requirements for all, stating that "the current requirements are too onerous and for some, unnecessarily intimidating." The commenter supports simplifying the process of getting

a driver license and has a strong interest in the safety of all residents, regardless of their status. (13)

RESPONSE: The Commission thanks the commenter for their comment. The Commission imposes strong identity requirements necessary to obtain a driver license or non-driver identification card to prevent fraud and increase identity security.

23. COMMENT: The commenter supports the proposed rules and believes that the “undocumented” should be required to show a Social Security number or ITIN, as all citizens of New Jersey have to share information with the Federal government, and asserts that “we should not be creating a separate class of people who get preference and have lesser burdens as compared to the rest of us.” (14)

RESPONSE: The six points of identification required to obtain a standard driver license or non-driver ID applies to all applicants regardless of immigration status. Therefore, the concern that the Commission is creating a separate class of people who get preference and have lesser burdens is unfounded.

24. COMMENT: The commenter urges the Commission to clarify the consulate verification and antifraud rules, as it is needed to keep the roads safe and prevent New Jersey from becoming a magnet state for the “undocumented,” currently living in other states. (14)

RESPONSE: The Commission thanks the commenter for their comment and agrees the roads need to be kept safe. Requiring drivers to be trained, tested, licensed, and insured helps keep roads safe. The Commission has clarified the consulate verification requirements at N.J.A.C. 13:21-8.2(b)6.

25. COMMENT: The commenter urges the Commission to amend the proposed rules to add strict privacy protections, asserting that “even the inadvertent sharing of applicants’ personal information could lead to harm resulting from abusive immigration enforcement actions.” (20)

RESPONSE: The proposed rules, as written, implement provisions prohibiting the Commission’s disclosure of an applicant’s personal information related to an application for a driver license or non-driver ID card, in accordance with the New Jersey Driver Privacy Protection Act and P.L. 2019, c. 271. The Commission has clarified the rules but declines to add additional privacy protections beyond those the Commission already provides.

26. COMMENT: The commenters strongly oppose giving driver licenses to “illegals” and believe that it is a security risk. (23 and 25)

RESPONSE: The Commission’s rules impose strong identity requirements necessary to obtain a driver license or non-driver identification card for all applicants. The safety of drivers on New Jersey roads will be enhanced by allowing and requiring more people who reside in New Jersey to take and pass the knowledge test and the road test. Further, the rules implement the statute that standard driver licenses and non-driver identification cards be issued without regard to immigration status.

27. COMMENT: The commenter challenges the intended purpose of the underlying legislation and calls into question whether the legislation will “foster safer roads and reduce automobile insurance rates for legal New Jersey drivers.” (23)

RESPONSE: The Commission disagrees with the commenter. The Commission believes that the proposed rules and underlying legislation, which require drivers to be trained, tested, licensed, and insured, is intended to help keep roads safe.

28. COMMENT: The commenter requests that the Commission not complicate the process to get a driver license by following what is mandated in the statute and updating the regulations so that all eligible residents of New Jersey are able to drive without fear. (37 and 68)

RESPONSE: The Commission declines to make changes based on this comment. The rules do not complicate the process to get a driver license; the six-point identification requirements are reasonable and comply with the provisions of the underlying statute.

29. COMMENT: The commenter opposes the Commission’s proposed rules. (38)

RESPONSE: The Commission declines to make changes based on this comment, as the rules are reasonable and necessary.

30. COMMENT: The commenter requests that the Commission follow the law that was signed by Governor Murphy in December 2019, which grants driver licenses to undocumented immigrants. The commenter

asserts that the driver licenses are necessary for undocumented immigrants, so they can transport their families and travel to work. (42)

RESPONSE: The Commission accepts the comment. The proposed amendments implement the provisions of the statute that allows the issuance of standard driver licenses and non-driver identification cards to applicants, regardless of an applicant’s immigration status.

31. COMMENT: The commenter presented suggestions for a separate driver license design specifically for undocumented immigrants, as he is concerned that there should be distinguishable designs and wording depending on who is applying. He submitted suggestions for point values for specific documents. He expressed concerns with voter registration integrity. (36)

RESPONSE: P.L. 2019, c. 271 was enacted to provide for the issuance of licenses without regard to immigration status. The Commission is applying the same six-point identification requirements to all applicants. The design and standards for the driver licenses and non-driver IDs comply with P.L. 2019, c. 271, as well as the Federal REAL ID Act of 2005, as it pertains to required wording on the standard driver license and non-driver ID. The Commission’s process for issuing driver licenses accounts for verification of voting eligibility before transmitting records to the Division of Elections. While the comments were extensive and detailed, the Commission declines to make changes for the above reasons.

32. COMMENT: The commenter strongly disagrees with “relaxing” the document requirements for “illegal immigrants” and believes that the proposed rules are “patently unfair to New Jersey residents who are forced to prove identity and residence through the multi-point requirements.” The commenter expresses concerns with the various requirements surrounding the underlying legislation and the proposed rules, including: the designated point values for specific documents, the integrity of the voter registration process, the risks associated with allowing the unauthorized employment of “illegal workers,” the consulate verification process for foreign documents, and the overall impractical nature of the proposed standards. (10)

RESPONSE: The rules requiring six points of identification and proof of New Jersey residency apply to all applicants for a standard basic driver license or non-driver ID, regardless of immigration status or age. The Commission continues to require strict proof of identity in order to get a driver license or non-driver identification card, and this rulemaking follows the laws establishing the requirements. Matters concerning employment are outside the scope of this rulemaking and the purview of the Commission.

33. COMMENT: The commenter expresses concerns that the rules discriminate against legal citizens and asserts that “if the illegals entering the United States do not have to present six points of proof when applying for a driver license, then the requirement should be eliminated for legal, United States citizens.” (15)

RESPONSE: The rules requiring six points of identification and New Jersey residency apply to all applicants for a standard driver license or non-driver ID, regardless of immigration status. The Commission continues to require strict proof of identity in order to get a driver license or non-driver identification card, and this rulemaking follows the laws establishing the requirements. Therefore, the Commission finds the comments concerning different requirements for applicants depending on immigration or citizenship status are unfounded.

34. COMMENT: The commenter strongly disagrees with giving driver licenses to “illegal immigrants” and believes that the “laws and requirements should be followed by all” and that special treatment should not be given. (19)

RESPONSE: The rules requiring six points of identification apply to all applicants for a standard driver license or non-driver ID, regardless of immigration status. Therefore, the Commission declines to make amendments in relation to the comment.

35. COMMENT: The commenter suggests that the Commission should have appointments for legal citizens needing renewal and should “let the illegal immigrants wait.” (7)

RESPONSE: The Commission declines to accept the comment, as agency services are offered to all customers, regardless of the individual’s immigration status. Moreover, the Commission notes that license renewals (with certain exceptions,) are currently offered through the Commission’s website and do not require an appointment.

36. COMMENT: The commenters express their support for the underlying legislation and assert that it is important in recognizing the need for access to jobs, healthcare, education, and affordable food for all New Jersey residents, as these are basic human rights. The commenter asserts their gratitude to the Commission “for its role in getting it passed.” (44 and 45)

RESPONSE: The Commission thanks the commenters for their comment. The Commission agrees that expanded access to driver licenses will improve the quality of everyday life for New Jersey’s immigrant population of residents, by increasing their accessibility to basic necessities, and increase safety on New Jersey roads by increasing the number of drivers who are trained, tested, and licensed.

37. COMMENT: The commenter asserts that expanded criteria for proving residency is essential to enable ex-offenders, homeless, and victims of domestic violence to qualify for licenses. (45)

RESPONSE: The Commission declines to make changes based on the comment for the reasons stated in the Responses to Comments 8 and 9.

38. COMMENT: The commenter requests that the Commission carry out what is necessary and appropriate, but to not make the driver license application process itself a major deterrent to getting a driver license. The commenter believes that the “issue here is a matter of human dignity, and should not be overshadowed by the ability of an immigrant to climb sometimes impossible hurdles, just to be able to take care of themselves and their families, by giving them the opportunity to have a safe and legal means of the simple, yet critical ability to drive a car.” (48)

RESPONSE: The Commission accepts this comment and believes that the proposed rules that require all driver license or non-driver ID applicants to present six points of identification, regardless of their immigration status, are reasonable. These strong identity requirements constitute a matter of public safety and security, and further ensures the prevention against identity fraud.

39. COMMENT: The commenter expresses their support for the proposed changes to the Commission’s rules, required by recent legislation, for the following enumerated reasons: 1. the changes clarifying the proofs of identity and proof of State residency requirements under the proposed rules for applicants of a REAL ID or standard driver license or ID, maintain and adhere to the public safety principles of New Jersey’s six points of ID verification; 2. the regulatory changes will strengthen protection against criminal fraud attempts directed at the Commission; and 3) the changes removing the requirement of “lawful presence,” as applied to a standard license applicants, retains the necessary identity verification information to assist state and local law enforcement. (49)

RESPONSE: The Commission accepts the comments and thanks the commenter for their support.

40. COMMENT: The commenter states that proposed N.J.A.C. 13:21-8.2(b)8, which authorizes Commission personnel to accept documentation other than otherwise required to establish lawful presence, offers a reasonable venue for exceptions. However, the commenter cautions the Commission that “any such individual case needs to be carefully documented as to the basis for the decision to accept or reject alternate documentary proof of identity, date of birth, and lawful presence,” and states that “such exception documentation is a clear requirement of the REAL ID rule.” (49)

RESPONSE: The Commission declines to make changes based on the comment as lawful presence is no longer required in order to get a standard driver license. This rulemaking does not make changes to REAL ID requirements.

41. COMMENT: The commenter suggests that the Commission revise the proposed rule that sets the age of eligibility for a non-driver ID card to 14 years old. The commenter instead advocates to “reduce the age for non-driver IDs to one year of age with written consent of one parent or one legal guardian.”

The commenter believes that providing child IDs through a State motor vehicle agency has certain benefits, including reducing child identity theft and establishing a birth date and state residency to assist with identifying victims of auto accidents and those listed as missing persons. (49)

RESPONSE: New Jersey statute, N.J.S.A. 39:3-29.3 authorizes that individuals 14 years of age or older may apply to receive a non-driver ID. Accordingly, the Commission declines the commenter’s request as the

Commission does not have the legal authority to change the underlying statute or promulgate rules changing the age set in statute.

42. COMMENT: So as to ensure that all individuals have equal access to driver licenses and non-driver identification cards, the commenters request that the Commission add more documents that can be used as proof of identity by excluded members of various community groups. The commenter recommends that the Commission accept certain types of documents that prove identity, including: 1. documents from houses of worship (such as parish identification and marriage certificates); 2. a letter or a prescription from a medical doctor confirming an individual’s identity; 3. documentation from the Red Cross proving displacement due to fire; and 4. a birth certificate of a United States born child or notarized school documents of a child to prove the identification of the parent. (51)

RESPONSE: The Commission declines to add identity documents that it feels either do not require proof of identity for issuance or require an individual to present different proofs of identification, of varying degrees. In light of these differences and the difficulties in being able to ascertain the specific document verification procedures upon which each entity bases the issuance of such ID, the Commission believes the specific documents, as requested by the commenters, do not serve to adequately verify an applicant’s identity.

Moreover, as to the commenter’s specific request to add “marriage certificates,” the Commission notes that under the existing rules, marriage documents are accepted, so long as the document is an original or certified copy by the issuing government authority and accompanied by a certified translation, if the document is not written in English, pursuant to N.J.A.C. 13:21-8.2(b)11.

43. COMMENT: The commenter requests that the Commission commit to the highest security protocols to protect the security of confidential information provided by driver license applicants. (45)

RESPONSE: The proposed rules, as written, implement provisions prohibiting the Commission’s disclosure of an applicant’s personal information related to an application for a driver license or non-driver ID card, in accordance with P.L. 2019, c. 271. The Commission has clarified the rules but declines to add additional strict privacy protections beyond those already included.

44. COMMENT: The commenter recommends that the Commission adopt alternative means of verifying documents in lieu of consulate verification, as many survivors of gender-based asylum claims may fear seeking consulate verification. (53)

RESPONSE: The Commission understands the commenter’s concerns and advises that verifiable asylum documentation is acceptable without consulate verification. The Commission has clarified the proposed rules regarding consulate verification accordingly.

45. COMMENT: The commenter suggests that the Commission should expressly incorporate the legal requirements of the Address Confidentiality Program, which requires the Commission to accept a PO Box in lieu of an address for beneficiaries of the Program, such as victims of domestic violence. Furthermore, the commenter believes that the Commission’s website should include easy-to-find information that effectively notifies beneficiaries of the Address Confidentiality Program that they can apply for a driver license without disclosing their address. (53)

RESPONSE: The Commission declines the commenter’s request to incorporate the statutory requirements of the Address Confidentiality Program. This information is provided in the Commission’s current rules at N.J.A.C. 13:21-8.2(e), which allows “victims of domestic violence and other specified crimes, and those the Chief Administrator determines to have good cause, to show a document listing a post office box, an address other than the applicant’s address, or other contact point, as an acceptable proof of principal residence.” However, the Commission agrees with the comment suggesting the Commission website include information for the Address Confidentiality Program and will include information on the Commission website.

46. COMMENT: The commenter thanks the Commission for all that it has done. (54)

RESPONSE: The Commission thanks the commenter for their support.

47. COMMENT: The commenter suggests that the Commission should waive the fees “to get documents,” for “low income residents,” who can prove legal resident status and identity. (57)

RESPONSE: The fees associated with the issuance of a standard driver license or non-driver identification card apply to all applicants, regardless of an applicant's immigration status. Therefore, the Commission declines the comment requesting a waiver of fees for certain applicants.

48. COMMENT: The commenter expresses concerns regarding the impact that the underlying legislation will have on the overall driving conditions on the roads, such as the anticipated increase in traffic that they believe will occur after adding an additional "300,000 drivers" to the roads. The commenter asserts that it is a safety risk when "illegal" [drivers] are involved in an auto accident, as they typically do not have enough money to opt for a full coverage auto insurance policy on their vehicle and instead get the bare minimum insurance coverage—calling into question "cheaper insurance rates." The commenter further believes that there is a risk of a hit and run when an "illegal" driver is at fault in a car accident, because of the likelihood that the driver may leave the scene of the accident to avoid law enforcement, possible jail time, and/or the risk of deportation. (57)

RESPONSE: The Commission disagrees with the comment. The Commission believes that the proposed rules and underlying statute, which require drivers to be trained, tested, licensed, and insured, are intended to help keep roads safe, although insurance of vehicles is outside the scope of this rulemaking.

49. COMMENT: The commenter expresses concerns regarding the authenticity of official foreign documents and the possibility that a person could obtain multiple identities. The commenter specifically suggests that "harsh criminal penalties" should be imposed for "falsifying" and include a period of license ineligibility. (57)

RESPONSE: The Commission verifies the validity of documents issued by a country other than the United States, to determine the authenticity of such document that is being used to verify an applicant's identity. The verification process is a matter of public safety and security, and further ensures the prevention against identity fraud. Moreover, identity fraud offenses, not just for those involving foreign documents, are penalized in accordance with New Jersey statutes, including the New Jersey Code of Criminal Justice. For these reasons, the Commission declines to make changes based on the comment.

50. COMMENT: The commenter expresses concerns regarding the impact that the underlying legislation will have on the Commission's agencies, due to the expected surge in the number of driver license applicants, in excess of 300,000, that will require a trip to an agency to have their transaction processed. (57)

RESPONSE: The Commission disagrees with the comment. The Commission believes that the expected increase in agency traffic due to the issuance of standard driver licenses and non-driver ID's will be offset by the ability of customers with other types of transactions to complete such transactions through the Commission's website, thereby eliminating a trip to the agency.

51. COMMENT: The commenter recommends that the Commission should specify that foreign and/or domestic documentation of marriages, civil unions, and divorces will be accepted, so as to avoid discriminating against people who have previously lived in other countries. (61)

RESPONSE: The Commission notes that under the existing rules, marriage documents are accepted to prove identity, so long as the document is an original or certified copy (by the issuing government authority) and accompanied by a certified translation, if the document is not written in English, pursuant to proposed N.J.A.C. 13:21-8.2(b)11. For these reasons, the Commission declines to make a change in response to the comment.

52. COMMENT: The commenter believes that the proposed regulations do not adequately address the burdens imposed on driver license applicants and excluded members of certain community groups, such as: barriers to obtaining documents, fear of interacting with Federal agencies, and the economic and health impacts of the current public health emergency. Accordingly, the commenter encourages the Commission to update the regulations to reflect the challenges faced by potential applicants, including barriers to obtaining a driver license. (64)

RESPONSE: The Commission has clarified the proposed rules accordingly. See the Responses to Comments 1, 7, and 10.

53. COMMENT: The commenter recommends that the Commission should accept a letter from a New Jersey property lease-holder or property owner, as proof of residency. (65)

RESPONSE: The Commission notes that the list of documents it accepts to establish proof of residency, is not limited to those documents designated at N.J.A.C. 13:21-8.2(d), rather the Commission has the discretion to accept other forms of documentation that it deems acceptable. Accordingly, the Commission declines the commenter's request to add the suggested document, as it is unnecessary.

54. COMMENT: The commenter recommends that the Commission codify its current policy, so as to prohibit Commission staff from recording the types of identity documents that are submitted, on the license application. The commenter asserts that while the regulations prohibit the scanning and/or retention of any primary or secondary documents submitted by the applicant, they do not explicitly prohibit the Commission staff from indicating the types of documents submitted to establish eligibility for a driver license or non-driver ID card. The commenter is concerned that recording the submission of an Address Confidentiality Program card identifies particular New Jerseyans with sensitive information that could jeopardize safety. (65)

RESPONSE: The Commission declines to make the commenter's requested change, as it is the Commission's internal procedure to note each type of document that an applicant presents to establish their identity—a necessary step for security and auditing purposes.

55. COMMENT: The commenter seeks to remove the requirement that foreign passports shall be "with validation," noting that the meaning of the term validation is unclear and creates an unnecessary barrier for eligible applicants. The commenter instead recommends that the Commission should provide training and guidelines for its employees to effectively carry out document verification. (65)

RESPONSE: The Commission has clarified the proposed rules accordingly to avoid confusion.

56. COMMENT: The commenter expresses their support for the ability of any New Jersey resident to apply for, and obtain, a standard license in lieu of a REAL ID license, regardless of whether the resident is eligible for a REAL ID license. The commenter believes that some residents do not require their driver license to serve as Federal identification, nor do they wish to submit to the retention of copies, scanned images, or records of any documents submitted to obtain a REAL ID license. (66)

RESPONSE: The Commission accepts the comment and thanks the commenter for their support.

57. COMMENT: The commenter expresses concerns regarding the requirement that an applicant provide proof of ineligibility for a Social Security number and asserts that P.L. 2019, c. 271 only requires an "indication" that the applicant is ineligible. The commenter recommends that the Commission "should include other means for indicating an applicant's ineligibility that have proven successful in those states that have issued driver licenses to residents regardless of immigration status." (66)

RESPONSE: The Commission is required to follow the requirements of the statute. As revised by P.L. 2019, c. 271, N.J.S.A. 39:3-10 states that "In addition to requiring an applicant for a driver's license to submit satisfactory proof of identity and age, the commission also shall require the applicant to provide:

(1) as a condition for obtaining a permit and standard basic driver's license, *proof of the person's social security number and one document providing satisfactory proof that the applicant is a New Jersey resident.* If the person does not have a social security number, the person shall either:

- (a) provide satisfactory proof of *an Individual Taxpayer Identification Number; or*
- (b) *indicate, in a manner prescribed by the commission and consistent with all other provisions of P.L.2019, c.271 (C.39:3-10o et al.), that the person is not eligible to receive a social security number; ... (Emphasis added.)*

By building the option to supply satisfactory proof of an Individual Taxpayer Identification Number into the rules, the Commission has complied with the statutory mandate. See also the Response to Comment 10 in relation to other acceptable proofs besides the letter from the Internal Revenue Service.

With regard to the proposed requirement for submission of a letter from the Social Security Administration as to the applicant's ineligibility for a Social Security number, the Commission has determined that an affidavit requirement will be sufficient to advance the intended purpose, which is to function as an additional means of supporting identity. The Commission adopts the original rule as proposed, but in a separate notice of proposal filed concurrently with this notice of adoption, it has proposed amending that portion of the rule to delete the Social Security letter language and insert an affidavit requirement in its place.

The adoption of this language will allow residents who do have ITINs, as well as residents who have a Social Security number or letter of denial from the Social Security Administration, to be eligible for the process of applying for driver and other licenses no later than May, 2021. The concurrent notice of proposal will allow other residents who do not have ITINs or Social Security numbers to begin applying for driver and other licenses or identification cards no later than June, 2021; appointment scheduling for these licenses will open May, 2021.

58. COMMENT: The commenter believes that providing New Jersey residents with access to driver licenses will provide benefits, such as providing more work options and opportunities, and will further assist with the reduction of legal fees and fines, which such residents now face for driving without a license. (67)

RESPONSE: The Commission agrees with the commenter.

59. COMMENT: The commenters request that the Commission extend the operating hours at local agencies in order to maximize the efficiency of processing driver licenses and non-driver ID's-a change that the commenters believe will help reduce tensions already in place from the Commission being out of service for months due to the pandemic. (68)

RESPONSE: The Commission has taken various measures to streamline in-agency customer transactions and provide efficient service while ensuring the safest and cleanest environment for all New Jersey residents and the Commission's employees. As part of its efforts to continue processing transactions as expeditiously and safely as possible, the Commission is now processing increased types of customer transactions through its website, thereby eliminating a trip to the agency. The Commission declines to make changes based on the comment; agency operating hours are outside the scope of this rulemaking.

60. COMMENT: The commenters recommend that the Commission hire more bilingual staff that can assist with the language barrier that is prevalent in immigrant communities. (68)

RESPONSE: The Commission acknowledges the recommendation. The Commission does currently have translation services available at agencies where there are no bilingual staff available.

61. COMMENT: The commenters request that the Commission should expand employee familiarization with foreign documents. (68)

RESPONSE: The Commission acknowledges the comment and agrees.

62. COMMENT: The commenters suggest amending the list of acceptable proofs of residency pursuant to N.J.A.C. 13:21-8.2(d)3, to add a "New Jersey income tax filing or document issued by the United States Internal Revenue Service." (1, 41, 43, 47, 48, 55, 56, 58, and 59)

RESPONSE: The Commission notes that under the existing N.J.A.C. 13:21-8.2(d), each applicant must present one acceptable proof of residence document, which may be, but is not limited to, those documents listed in the rule. Therefore, because the list designated in the rule is not an exhaustive list and the Commission has the discretion to accept additional forms of documentation, the Commission sees no need to change the proposed rule.

Summary of Agency-Initiated Changes:

In accordance with recently enacted P.L. 2020, c. 77, a driver license photo may be renewed for two renewal cycles, allowing the photo to be used for eight additional years. When the rulemaking was proposed, a photo could only be used for four additional years. Thus, N.J.A.C. 13:21-8.2(h) has been changed to allow for use of a driver license photo for eight additional years.

Federal Standards Statement

A Federal standards analysis is not required because the adopted amendments do not implement, comply with, or participate in any program established under Federal law or under a State law that incorporates or refers to Federal law, standards, or requirements.

Full text of the adoption follows (additions to the proposal indicated in boldface with asterisks ***thus***; deletions from the proposal indicated in brackets with asterisks ***[thus]***):

SUBCHAPTER 6. EXAMINATION PERMITS

13:21-6.2 Requirements for issuance of examination permits

In addition to any other requirements imposed by Title 39 of the Revised Statutes and the rules promulgated thereunder, no examination permit shall be issued by the Commission unless the applicant therefor submits proof of identity, date of birth, and proof of New Jersey residency, in the manner set forth at N.J.A.C. 13:21-8.2(a), (b), (c), and (d).

SUBCHAPTER 7. SPECIAL LEARNER'S PERMITS

13:21-7.2 Requirements for issuance of special learner's permits

In addition to any other requirements imposed by Title 39 of the Revised Statutes and the rules promulgated thereunder, no special learner's permit shall be issued by the Commission unless the applicant therefor submits proof of identity, date of birth, and proof of New Jersey residency, in the manner set forth at N.J.A.C. 13:21-8.2(a), (b), (c), and (d).

SUBCHAPTER 8. DRIVER LICENSES

13:21-8.1 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

...

"Standard" means, when used to describe any permit or license to operate a motor vehicle or any identification card issued by the Commission under the provisions of this subchapter, that the permit, license, or identification card is not acceptable for REAL ID purposes as determined by the Federal government and is marked as such.

...

13:21-8.2 Standard driver license and identification card; age requirements; proof of identity and date of birth; proof of Social Security number; proof of New Jersey residency

(a) A standard document (special learner permit, examination permit, driver license, commercial driver license, or non-driver identification card) will indicate that it is not acceptable for REAL ID purposes as determined by the Federal government. New Jersey allows each applicant to choose whether to apply for a standard document (requirements are listed in this section) or a REAL ID document (requirements are listed at N.J.A.C. 13:21-8.2A). Applicants for a standard commercial driver license shall also meet the requirements at N.J.A.C. 13:21-23.

(b) Each applicant for a standard document (license, permit, or non-driver identification card) shall be required to furnish to the Commission, upon request, proof of identity and date of birth, and proof of New Jersey residency. Such proof may be established by submission of the original or certified (by the issuing authority) copy of the primary and/or secondary documents that are listed at (c) and (d) below, as follows:

1.-5. (No change.)

6. The Commission shall refuse to grant any permit, license, or non-driver identification card, if the Commission has reasonable cause to believe that a document is altered, false, or otherwise invalid. ***[Documents]* *If the Commission is unable to verify the validity of a document* issued by a country other than the United States*, then the applicant* shall *[be verified by]* ***provide verification from*** the applicable consulate.**

7. Each applicant must submit proof of ***[his or her]* ***their*** Social Security number, as evidenced by a document listed at (c)3 below. However, if the applicant does not have a Social Security number, ***[he or she]* ***the applicant*** shall either:****

i. Submit satisfactory proof of an Individual Taxpayer Identification Number, as evidenced by a document listed at (c)4 below; or

ii. Submit an official letter from the Social Security Administration demonstrating that the person is not eligible to receive a Social Security number.

TRANSPORTATION

ADOPTIONS

8. For persons who, for reasons beyond their control, are unable to present all necessary documents and must rely on alternate documents to establish identity or date of birth, Commission-authorized personnel may review, approve, or accept documentation that proves the applicant's identity and date of birth.

9.-10. (No change.)

11. Documents that are not written in English shall be accompanied by a certified translation in English.

(c) The following are acceptable documents; all primary and secondary documents presented shall be valid, and current or expired for no more than three years:

1. Primary documents:

i. An applicant must submit at least one document from the following list:

<u>Document</u>	<u>Value</u>
...	
United States passport	4
New Jersey digitized driver license	4
New Jersey non-driver digitized identification card	4
United States military photo identification (Common Access Card)	4
Original birth certificate from any country	4
Photo driver license issued by country other than the United States, must be presented with another government-issued document	4
Photo driver license issued by any state, including the District of Columbia	4
...	
Permanent Resident Card (Form I-551)	4
[Passport] Government-issued passport* from applicant's country of citizenship *[with validation]*	4
[Consular identification card] Identification card issued by a consulate or national government*	4
...	
I-94 stamped "Refugee," "Parolee," "Asylee," or "Notice of Action" (Form I-797 approved petition) by USCIS	4
I-94 with attached photo stamped "Processed for I-551..." by USCIS	4
Photo employment authorization card (Form I-688B or I-766) (must be presented with a valid Social Security card or proof of an ITIN)	4
Photo Temporary Resident Card (Form I-688)	4

2. Secondary documents:

i. Applicants must submit at least one document from the list below:

<u>Document</u>	<u>Value</u>
...	
New Jersey digitized driver license	3
Special learner's permit with digitized image	3
Examination permit with digitized image	3
Probationary license with digitized image	3
Photo driver license issued by another state, including the District of Columbia	3
...	
Civil marriage or civil union license or certificate or divorce decree	3
Document issued by United States Department of Homeland Security	3
United States Uniformed Services photo identification card	3
United States Civilian Retiree photo identification card	3
Veteran's Administration universal access photo identification card	3
Official school or college photo identification card with transcript or school records (with applicant's date of birth) from any country	3
...	
United States government employee driver license	2

United States government employee photo identification card	2
...	
Certified adoption records from a country other than the United States	2
New Jersey Department of Corrections ID card	2
Driving privilege card with photo issued by another state or municipality, including the District of Columbia	1
...	
High school diploma or GED (general equivalency diploma), college diploma, or trade school degree, from any country	1
...	
Health insurance card or prescription card	1
Employee identification card accompanied by a printed pay stub from applicant's employment in the United States	1
...	

3. An applicant may submit any of the following documents to establish proof of Social Security number:

- i. Social Security card (no copies or laminations);
- ii. W-2 form issued within the past year;
- iii. Pay stub (must include full name and full Social Security number) issued within the past year;
- iv. SSA-1099 form (issued within the past year); or
- v. Non-SSA-1099 form (issued within the past year).

4. An applicant may submit *[either]* ***any*** of the following documents as acceptable proof of an Individual *[Tax]* ***Taxpayer*** Identification Number:

- i. Official *[letter from the IRS verifying the applicant's ITIN]* ***document from the IRS or the New Jersey Division of Taxation displaying applicant's name and ITIN***;
- ii. ITIN card (no copies or laminations); or
- iii. New Jersey income tax refund displaying ITIN.

(d) Each applicant must present for inspection one acceptable proof of principal residence document, which may be, but is not limited to, the following:

- 1. (No change.)
 - 2. A property tax bill, statement, or receipt issued within the past year;
 - 3. Any letter or correspondence (including tax bills) received from the Federal Internal Revenue Service or any state tax office within the past year, including a New Jersey income tax refund displaying applicant's address;
 - 4. (No change.)
 - 5. An original, unexpired lease or rental agreement with the name of the applicant listed as the lessee or renter;
 - 6. (No change.)
 - 7. A checking or savings account statement (bank or credit union) issued within the last 60 days;
 - 8. A certification, verifying the address of an applicant under 18 years of age who does not have *[his or her]* ***their*** own proof of address verification, from a parent or guardian; or
 - 9. A deed or title to real property displaying applicant's name.
- (e)-(f) (No change.)
- (g) (No change in text.)

(h) The Commission shall take a photo of each applicant for a new or renewed standard special learner permit with photo, examination permit with photo, driver license, commercial driver license, or non-driver identification card upon submission of the application, except that the Commission may use a stored photo *[once]* ***twice*** to renew a standard driver license for a period not exceeding *[four]* ***eight*** additional years.

(i) Commission staff members are authorized to scan all applications presented or accepted toward satisfying document requirements. All scanned images will be retained electronically in accordance with N.J.S.A. 47:3-15 et seq., and N.J.A.C. 15:3-2.1 through 2.7 and 4.1 through 4.11. Commission staff members may not retain copies, scanned images, or records of any kind of primary or secondary documents submitted to establish eligibility to obtain a standard document, except when necessary for purposes of investigating identity fraud, driver's

license fraud, or non-driver identification card fraud pursuant to N.J.S.A. 39:2-3.4.a.

SUBCHAPTER 16. IDENTIFICATION CARDS FOR NONDRIVERS

13:21-16.1 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

“Nondriver identification card” means an identification card issued by the Chief Administrator of the Motor Vehicle Commission to a person whose state of residence is New Jersey and who is 14 years of age or older and who is not the holder of a valid examination or special learner’s permit or a valid driver license, in accordance with N.J.S.A. 39:3-29.2 et seq.

“Standard” means, when used to describe an identification card issued by the Commission under the provisions of this subchapter, that the

issuance of the identification card is not acceptable for REAL ID purposes and is marked as such.

...

13:21-16.2 Requirements for issuance of nondriver identification cards*[*]*

In addition to any other requirements imposed by Title 39 of the Revised Statutes and the rules promulgated thereunder, no standard nondriver identification card shall be issued by the Commission, unless the applicant therefor submits, upon request, proof of identity, date of birth, and proof of New Jersey residency in the manner set forth at N.J.A.C. 13:21-8.2(a), (b), (c), and (d). No REAL ID nondriver identification card shall be issued by the Commission unless the applicant therefor submits, upon request, requirements including proof of identity, Social Security number, New Jersey residency with two proofs of address, and date of birth, as set forth at N.J.A.C. 13:21-8.2A.
